(20)

HIGH COURT OF CHHATTISGARH, BILASPUR

Cr.Appeal No.204 of 2004

APPELLANT — Subhash Udiya, son of Kartik Udiya, aged 20 years, resident of Baramund Padmapur, Police Station Kenga, District Kalahandi, Orissa, present Nandu Badi village Murmunda, Police Station Nandini.

Versus

RESPONDENT — State of Chhattisgarh
Through- The Station Incharge,
P.S. Utai, District – Durg (C.G.)

Appearance:

Shri H.B. Agrawal, Sr. Advocate with Smt. Usha Chandrakar, counsel for the appellant.

Shri D.K. Gwalre, Additional Public Prosecutor for the State.

ORAL ORDER
(15.05.2007)

SUNIL KUMAR SINHA, J

Heard.

This appeal is directed against the judgment of conviction and order of sentence dated 14/11/2003, passed in S.T.No.87/2003 by the V Additional Sessions Judge, Durg (CG), whereby, the learned Court below after holding the appellant guilty of the offence punishable under Sections 363, 366 and 376 of IPC, sentenced him to undergo R.I. for 5 years and to pay a fine of Rs.100/-, in default of payment of fine to further undergo R.I. for 1 month under Section 366 of IPC and R.I. for 7 years and fine of Rs.100/-, in default of payment of fine to further undergo R.I for 1 month under Section 376 of IPC and has not awarded any separate sentence under Section 363 of IPC.

Learned counsel for the appellant submits that this is a subsequent appeal, as earlier appeal of the appellant against the same judgment has already been filed vide Criminal Appeal No.38/2004 and in this view of the matter, he does not want to press this subsequent appeal.

The prayer is allowed.

This subsequent appeal is dismissed, as not pressed being unnecessary and infructuous.

Sd/-
Sunil Kumar Sinha
Judge

Shyna